

ORIGINAL⁵

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Criminal No. 11-cr-20129

v.

HON. ROBERT H. CLELAND

Violation: 21 U.S.C. § 843(b)

D-29 DANNY RUSSELL BURBY, JR.

Defendant.

FILED

AUG 28 2014

CLERK'S OFFICE
U.S. DISTRICT OFFICE
EASTERN MICHIGAN

SECOND SUPERSEDING INFORMATION

The United States Attorney charges:

COUNT 1

(21 U.S.C. §843(b) – USE OF A COMMUNICATIONS FACILITY TO CAUSE AND
FACILITATE A FELONY DRUG TRANSACTION)

On November 6, 2007, in the Eastern District of Michigan and elsewhere,
Defendant Danny Russell Burby, Jr., and others known and unknown to the United
States Attorney, did knowingly and intentionally use a communication facility, that
is, a telephone, to commit, cause, and facilitate the commission of the offenses of
conspiracy to manufacture, distribute, and to possess with the intent to distribute
controlled substances, including methamphetamine, which is a felony under Title

21, United States Code, Sections 846 and 841(a)(1); all in violation of Title 21, United States Code, Section 843(b).

FORFEITURE ALLEGATIONS

(21 U.S.C. § 853)

1. The allegations set forth above are hereby incorporated by reference as if they were set forth in full herein for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.
2. Pursuant to Title 21, United States Code, Section 853, upon conviction of a violation of Title 21, United States Code, Section 843, as alleged above, defendant shall forfeit to the United States: (a) any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violation; and (b) any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation, including, but not limited to, the following:
 - a. Two Hortilux growth lights (1B-729);
 - b. One black scope, Charles Daly, serial number 885SGM (1B-731);
 - c. One Verizon wireless with power cord, LG, Serial number 708KPFX1059467 (1B-732);
 - d. Two Verizon wireless Treo phones with one power cord, serial number PWVC0CA5H0PX and PWVC0CR6H476 (1B-738);
 - e. One Verizon wireless Treo phone, Palm, serial number PXVC04V7H1YB (1B-739);

- f. One blue plastic container with affixed pipes with lid (1B-744);
- g. One bag of hydroton (1B-745);
- h. One bag of misc. hydro growing items (1B-746);
- i. One orange cooler of misc. hydro growing items (1B-747);
- j. Two four liter jugs of BC grow (1B-748);
- k. One Verizon cellular LG phone, serial number 701KPY20264586, model number VK9900 (1B-753);
- l. Five shotgun shells (1B-757);
- m. Two 12 gauge shotgun shells (1B-758);
- n. Four shotgun shells (1B-759);
- o. One shotgun shell (1B-760); and
- p. Three shotgun shells (1B-761).

3. Substitute Assets: Pursuant to Title 21, United States Code, Section 853(p), defendant shall forfeit any of his other property, real or personal, up to the value of property described above, if, by any act or omission of the defendant, the property subject to forfeiture: cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All in accordance with Title 21, United States Code, Section 853(p) and Rule 32.2, Federal Rules of Criminal Procedure.

BARBARA L. McQUADE

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s/Saima S. Mohsin

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Dated: August 29, 2014

United States District Court
Eastern District of Michigan**Criminal Case Cover Sheet****Case Number**
11-20129

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information

This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information**Companion Case Number:**This may be a companion case based upon LCrR 57.10 (b)(4)¹:**Judge Assigned:**☐ Yes☒ No**AUSA's Initials:****Case Title:** USA v. Danny Russell Burby, Jr.**County where offense occurred :** Macomb**Check One:** ☒ **Felony**☐ **Misdemeanor**☐ **Petty**☐ Indictment/ ☐ Information --- no prior complaint.☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]☐ Indictment/ ☒ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information****Superseding to Case No:** 11-20129**Judge:** Cleland☐ Original case was terminated; no additional charges or defendants.☐ Corrects errors; no additional charges or defendants.☒ Involves, for plea purposes, different charges or adds counts.☐ Embraces same subject matter but adds the additional defendants or charges below:**Defendant name****Charges****Prior Complaint (if applicable)****Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**August 28, 2014

Date

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P73990¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.